

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES STALMER,

Plaintiff,

v.

ORDER

Civil File No. 06-4563 (MJD/SRN)

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of Magistrate Judge Susan Richard Nelson filed January 17, 2008. [Docket No. 19] Plaintiff James Stalmer, through his attorney, filed objections to the Report and Recommendation. Stalmer also sent a pro se letter, dated February 23, 2008, to the Court.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court adopts the Report and Recommendation filed January 17, 2008 with the following

one change: on page 7 of the Report and Recommendation, in the first full paragraph, the date "February 8, 2005" should be changed to "February 7, 2005."

In all other regards, the Court adopts the Report and Recommendation in its entirety.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Magistrate Judge's Report and Recommendation filed January 17, 2008 [Docket No. 19] is hereby **ADOPTED**.
2. Plaintiff's Motion for Summary Judgment [Docket No. 13] is **DENIED**.
3. Defendant's Motion for Summary Judgment [Docket No. 16] is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 5, 2008

s/Michael J. Davis
Judge Michael J. Davis
United States District Court